IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.923 OF 2007

Bhanudas Mahadu Gaikwad and ors. ...Petitioners
vs.
Sachin Bhanudas Gaikwad and others ...Respondents

Ms Nayana Thatte for the Petitioners

CORAM: A.S.OKA,J.
DATE : JUNE 26, 2007.

P.C.:

1. By this Writ Petition under Article 227 of Constitution of India, the Petitioners have challenged the order dated 28th November 2006 passed by the Trial Court by which the second Plaintiff is permitted to lead evidence. The Petitioners are some of the Defendants. The contention of the Petitioners is that after the suit was closed for Judgment, the impugned order could not have been passed.

2. There is no reason to interfere with the discretionary order passed by the Trial Court by which the second Plaintiff has been permitted to lead evidence. If the second Plaintiff leads evidence, it is obvious that the Petitioners will be entitled to apply for recall of the witnesses, if any, examined by them. The Petitioners will also be entitled to apply for leading additional evidence.

3. Subject to what is stated above, impugned order is confirmed and the Writ Petition is rejected.

JUDGE